

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

6 MICHAEL S. SPENCER, et al., ) 3:07-CV-0635-LRH (VPC)  
7 Plaintiffs, )  
8 vs. ) **ORDER**  
9 GLEN WHORTON, et al., )  
10 Defendants. )

ORDER

12 Plaintiff, ERIC NEES #93685, and defendants, through their counsel, entered a stipulation to  
13 dismiss this action with prejudice pursuant to a settlement agreement (#170). The parties' agreement  
14 provides that the parties waive payment of the remaining filing fees associated with this case in exchange  
15 for dismissal of the action.

**IT IS THEREFORE ORDERED:**

- 17       1. The Director of the Nevada Department of Corrections or his designee shall not collect or  
18 deduct any further payments from plaintiff's inmate trust account for the purpose of paying the balance  
19 remaining on the filing fee as set forth in the Order approving application to proceed *in forma pauperis*.  
  
20       2. Filing fees collected since entry of the order approving the stipulation dismissing this  
21 action with prejudice shall not be refunded to the plaintiff.  
  
22       3. The Clerk of Court is directed to serve a copy of this order on the Director of the Nevada  
23 Department of Corrections.

Dated September 24, 2010.

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**LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE**